



IFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88616

Stephane BERANGER, et al.

National Stage of: PCT/FR2003/003837

Appln. No.: 10/540,398

Group Art Unit: Unknown

Confirmation No.: Unknown

Examiner: Unknown

Filed: June 23, 2005

For: FLUID PRODUCT DISPENSING DEVICE

**SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an English translation of the International Preliminary

Examination Report issued in the international stage of this case.

Respectfully submitted,

Raja Saliba

Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: February 23, 2006

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003837



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference VALS 867 B PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003837	International filing date (<i>day/month/year</i>) 19 décembre 2003 (19.12.2003)	Priority date (<i>day/month/year</i>) 23 décembre 2002 (23.12.2002)
International Patent Classification (IPC) or national classification and IPC B05B 11/00		
Applicant VALOIS SAS		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20 juillet 2004 (20.07.2004)	Date of completion of this report 17 March 2005 (17.03.2005)
Name and mailing address of the IPBA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003837

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-10 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1-13 _____, filed with the letter of _____ 18 January 2005 (18.01.2005)
- ☒ the drawings:
pages _____ 1/2-2/2 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 14 _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/03837

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: WO 97/05043 A (LEHMKUHL ROBERT A) 13 February 1997 (1997-02-13)

2. Independent claim 1

Document D3, which is considered to be the prior art closest to the subject matter of claim 1, describes (the reference signs between parentheses apply to this document):

A fluid dispensing device (type 1, type 4) including:

- a chamber (38, 188) provided with an inlet valve (14, 162) and an outlet valve (18, 170) and defining a sealed sliding cylinder;
- a plunger (16, 167) provided in the chamber and including a lip sealingly slidable within said sliding cylinder;
- an actuating rod (the lower portion of "plunger spout 19" and the lower portion of "hollow sleeve 171") to which the plunger (16, 167) is rigidly connected;
- a bearing flange (the lower portion of "body 10,

160) engageable with a container neck, and
- a collar (the side fins of "plunger spout 19" and "hollow sleeve 171") against which the plunger (16, 167) is resiliently urged in the starting position thereof, said sealed sliding cylinder being located above the bearing flange in such a way that it cannot be inserted into a container neck (cf. page 12, line 22 to page 15, line 11, figure 1 and page 21, line 10 to page 23, line 11, figure 30).

It follows that the subject matter of claim 1 differs from this known dispensing device in that: The sealing device includes an actuating rod having the plunger slidably mounted thereon and said chamber comprises an upper portion and a lower portion, said lower portion being located below the flange in such a way that it can be inserted into the container neck.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can thus be considered to be that of providing a pump with a less elongate configuration and a chamber volume that is not dependent on the inside diameter of the container neck.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

As a solution to the above-mentioned problem, the features whereby

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR 03/03837

- the dispensing device includes an actuating rod having the plunger slidably mounted thereon, and
- said chamber comprises an upper portion and a lower portion, said lower portion being located below the flange in such a way that it can be inserted into the container neck, have not been found in the prior art.

Claims 2 to 13 are dependent on claim 1 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.

The industrial applicability of the subject matter of claims 1 to 13 appears to be obvious, and the requirement of PCT Article 33(4) thus also appears to have been met.

BEST AVAILABLE COPY